

VILLAGE OF DOWNERS GROVE
Report for the Village
10/5/2021

SUBJECT:	SUBMITTED BY:
Amend Liquor License Classifications and Amend Delivery Restrictions	Enza Petrarca Village Attorney

SYNOPSIS

Ordinances have been prepared to amend the Village's Liquor Code relative to the following:

- Define and create a Class SAL license classification to allow for on premise consumption of beer and wine at salons
- Eliminate the restriction on liquor licenses issued to establishments selling gasoline
- Revise delivery restrictions to be consistent with State regulations

STRATEGIC PLAN ALIGNMENT

The goals for 2021-2023 include *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the September 21, 2021 Village Council meeting. Staff recommends approval on the October 5, 2021 Active Agenda.

BACKGROUND

Staff has received a request to amend the Liquor Control Ordinance to create a liquor license classification for on premise consumption of beer and wine at salons. The attached ordinance defines salons as establishments where the public may receive grooming service, including, but not limited to services received at a barber, beauty or nail salon. They shall not include those establishments that offer any type of reflexology, massage or massage therapy services. Beer and wine will be served to patrons receiving salon services only. Anyone not receiving services shall not be allowed to consume on the premises and BYO (bring your own) is prohibited. Food service is not a requirement for this license class; however, the quantity of beer and wine allowed to be served per patron is limited to no more than three (3) drinks, each limited to a twelve-ounce serving of beer or six-ounce serving of wine. The proposed ordinance limits the number of Class SAL licenses to five.

The Liquor Commission reviewed the proposed ordinance at its meeting on August 5, 2021 and recommended approval.

The proposed ordinance adds a definition for a gas/fueling station and removes the restriction on issuance of liquor licenses to establishments that sell gasoline. It also provides that alcohol and tobacco products be limited to twenty-five percent (25%) of the retail sales area.

The Liquor Commission discussed this amendment on November 5, 2020 and recommended approval.

The proposed ordinance also amends delivery provisions to be consistent with State law. In 2021, the Village adopted amendments to its Liquor Control Ordinance relating to delivery of alcohol provisions. Since that time, the State has enacted new provisions regulating delivery service of alcoholic liquor. The statute specifically limits home rule authority thereby prohibiting the Village from regulating the delivery of alcoholic liquor inconsistent with the State law. One of the inconsistencies between the State law and the recent amendments to the Village's Code is the types of licensees that are allowed to deliver. The Village allowed brew pubs and brew facilities to offer delivery service, but State law prohibits that. The State law allows all on-premise, off-premise and combined license holders to deliver, while the Village had restricted the delivery option to licenses that provided off-premise consumption. The Village's proposed amendments will now also allow on-premise consumption classifications to deliver, in order to be consistent with State law.

ATTACHMENTS

Ordinances

Recommendation & Liquor Commission Minutes – August 5, 2021

Recommendation & Liquor Commission Minutes – November 5, 2020

Survey

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: October 5, 2021
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE
ELIMINATING THE RESTRICTION ON LIQUOR
LICENSES ISSUED TO ESTABLISHMENTS
SELLING GASOLINE", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance eliminate the restriction on liquor licenses issued to establishments selling gasoline.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE ELIMINATING THE RESTRICTION
ON LIQUOR LICENSES ISSUED TO ESTABLISHMENTS SELLING GASOLINE**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by redline/underline; deletions by ~~strikeout~~):

Section 1. That Section 3.3 is hereby amended to read as follows:**Sec 3.3 Definitions**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

* * *

Gas/Fueling Station. A place kept, used, maintained, advertised or held out to the public as a place where the primary business is the sale of both gasoline and convenience goods. No more than twenty-five percent (25%) of the retail sale square footage areas of any convenience store associated therewith shall be devoted to the sale of alcoholic liquor and tobacco products.

* * *

Section 2. That Section 3.11 is hereby amended to read as follows:**Sec 3.11 Restrictions On Issuance**

- (a) No liquor license shall be issued to any person for premises upon which theatrical or other live performances which include the types of conduct enumerated in DGMC Section 3.33(c) of this Chapter shall constitute the entertainment offered to the patrons thereof. This prohibition includes, but is not limited to, any entertainment, fashion show or other presentation which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or role playing interactions.
- (b) No liquor license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station. Provided:
 - 1. This prohibition shall not apply to the following establishments where sale of alcoholic liquor is not the principal business carried on in such place of business: hotels offering restaurant service, regularly organized clubs or restaurants.
 - 2. This prohibition shall not apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.
 - 3. Nothing in this Section shall prohibit the issuance of a special events license to a church, organization or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common objective other than the sale or consumption of alcoholic liquor.
- (c) No liquor license shall be issued for premises upon which an Adult Entertainment Establishment is located, as defined in the Downers Grove Adult Use Licensing Ordinance.

- (d) No liquor license shall be issued for premises upon which a men's or women's club is located.
- (e) ~~No liquor license shall be issued for any premises which includes the sale of gasoline.~~
- (f) No liquor license shall be issued for any premises from which alcoholic liquor is sold at a drive-up or drive-through facility where the customer or purchaser may purchase or receive delivery of alcoholic liquor without exiting a motor vehicle or without entering such building where alcoholic liquor is sold.

NOTE: for similar State law, see 235 ILCS 5/6-11 (Ord. No. 2489, § 2; Ord. No. 2735, § 1.) (Ord. 5413, Amended, 11/11/2014; Ord. 4768, Amended, 05/02/2006; 4204, Amended, 07/18/2000; 4159, Amended, 11/02/1999; 4144, Amended, 08/09/1999; 3924, Amended, 03/17/1997; 3701, Amended, 11/28/1994; 3663, Amended, 08/01/1994; 3596, Amended, 10/25/1993; 3572, Amended, 06/21/1993)

Section 3. That Section 3.13 is hereby amended to read as follows:

3.13 Classification of licenses.

Such licenses shall be, and are hereby, divided into the following classes:

* * *

Class "P" Off-Premise Consumption Licenses

"P-1" Packaged liquor licenses shall authorize the retail sale on the premises specified, of alcoholic liquor in packages with the seals unbroken, only, and not for consumption on the premises, except that tastings shall be permitted on such premises in accordance with State law. Such licenses may provide delivery service pursuant to DGMC Section 3.33.4 herein. Such licenses shall be only authorized in locations where the sale of packaged liquor is the primary business and/or in locations where the primary business is that of a grocery store, gas/fueling station or convenience store as defined herein.

"P-2" Packaged liquor licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises, except that tastings shall be permitted on such premises in accordance with State law. Such licenses may provide delivery service pursuant to DGMC Section 3.33.4 herein. Such licenses shall be only authorized in locations where the primary business is that of a grocery store, gas/fueling station, wine shop or convenience store as defined herein.

* * *

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk



www.downers.us

August 20, 2021

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue

Downers Grove

Illinois 60515-4782

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

FIRE DEPARTMENT

ADMINISTRATION

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**

5101 Walnut Avenue

Downers Grove

Illinois 60515-4046

630.434.5460

FAX 630.434.5495

The Honorable Robert T. Barnett
Mayor and Liquor Commissioner

Re: Proposed Ordinance - Creation of a Salon Liquor License

Dear Mayor Barnett:

On Thursday, August 5, 2021 the Downers Grove Liquor Commission considered a draft ordinance concerning the creation of a salon liquor license classification . The following finding was made:

MR. RAUCH MOVED TO RECOMMENDED THAT THE VILLAGE COUNCIL MOVE FORWARD WITH THE CRAFTING OF A SALON LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Rausch, Mr. Jacobson, Mr. Johnson, Mr. Meta, Mr. Shah,
Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

Further discussion of this subject can be found in the August 5, 2021 minutes of the Liquor Commission (attached).

Very truly yours,

Alice Strelau, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

Attachment

1\wp\Liquor\Code\Salon\Liq-Com-Rec

DRAFT

V. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that a draft ordinance for the creation of a salon liquor license classification was prepared based upon a request from a new local business. She stated that Beth Renchin and Tim Carroll, Esq. were present to discuss their request.

Ms. Kuchynka asked Ms. Renchin to introduce herself and elaborate on her request. Ms. Renchin replied that she recently opened Rybells Blow Dry Bar located at 5221 Main Street. She stated that they do not cut or color hair. She stated that they offer “blow out services” where customers get their hair washed and styled during a typical appointment in 45 minutes. She stated that she wanted to offer a complimentary glass of wine or champagne while customers receive their service.

Ms. Kuchynka stated that based upon this request, the Mayor asked staff to draft an ordinance creating a salon license class. She stated that she contacted surrounding communities, which information was contained in the monthly packet. She added that each community was asked if they have a specific license, ounce limits, limited to beer/wine or full alcohol and any other specific limitations.

Ms. Kuchynka stated that staff tailored the ordinance to meet Downers Grove standards and to be consistent with existing codes while incorporating guidelines. She stated that the salon definition was crafted to match what is written in the Zoning Ordinance.

Ms. Kuchynka stated that the number of licenses available will need to be determined. She stated that only restaurant and hotel licenses are unlimited. She stated that normally when license classes are created, limits are put on them.

Ms. Kuchynka stated that staff is the first step of the license creation process. She explained to Ms. Renchin and her attorney that there is no guarantee on the adoption of this ordinance. She stated that a recommendation by the Commission to forward this to the Village Council for consideration would be required. She added that if it is adopted, there is also no guarantee that they would be found qualified for a license and noted that a separate application hearing would be required.

Ms. Kuchynka asked for the Commission’s comments, concerns and remarks about the draft ordinance.

Mr. Johnson asked if there were any other license classifications that allow the complimentary service of alcohol. Ms. Kuchynka replied no. Ms. Didier noted that by law a licensee would be required to include liquor as part of a service. She stated that licensees cannot advertise alcohol “free” or “complimentary”. Ms. Kuchynka noted that State law prohibits the giving away of alcoholic liquor but noted it may be allowed/advertised so long as it is worded properly and included in the cost of a service.

Ms. Kuchynka stated that the draft ordinance is worded so that a licensee would have the option to either choose to sell the drink or offer the drink as part of a service.

Mr. Jacobson asked if the sign making place had a license. Ms. Kuchynka replied yes, Board and Brush has a license.

Mr. Jacobson stated that there is a difference from selling liquor and making a profit and service being a part of a salon package deal.

Attorney Carroll stated that the offer would be one drink, per patron, per service.

Mr. Jacobson stated that he thought the survey was interesting with the different requirements.

Chairman Strelau asked of the communities on the list, did any of them have the blow out salon or a regular salon that does cut and color. Ms. Rybell stated that Temperance (Hinsdale) holds a license for a blow dry bar.

Mr. Jacobson noted that Elmhurst was the most costly of the licenses. Ms. Kuchynka stated that she has not completed a cost center analysis as of yet as she wanted to be sure this request would get forwarded to the Council for consideration before she spent staff time determining a license fee. She stated that license fees are set by Administrative Regulation approved by the Village Manager.

Chairman Strelau asked Ms. Renchin the size of her salon. Ms. Renchin replied that she has six stations.

Chairman Strelau asked if customers were in no longer than an hour. Ms. Renchin replied yes.

Chairman Strelau asked if the Commission was considering a license class for salons in general. Ms. Kuchynka replied yes. She stated that during the application hearing, the business model would be discussed by the applicant and they would testify about their day to day operation. Ms. Kuchynka stated that the ordinance was left general so that the business could decide whether to charge or include drinks as part of a package.

Ms. Didier stated that salons offering massages would not qualify. Ms. Kuchynka stated that massage establishments are prohibited from holding a liquor license in another chapter of the Municipal Code. She noted that any salon that would offer massages would be excluded from obtaining this license.

Chairman Strelau stated that a salon patron could have services that last 2-3 hours for a cut, perm, coloring process, blowout, etc. She stated while Rybell will not have customers in more than an hour, the Commission does have to consider that other salons may have customers who are in for an extended amount of time.

Chairman Strelau stated that Mr. Jacobson made a good point about charging for liquor and that it could change the dynamic as to whether liquor is for profit or a nice treat. She asked the Commission for their comments.

Mr. Meta commented that this could open the door for barbershops in town. Ms. Kuchynka stated that barbershops are included in the definition of salon.

Ms. Kuchynka noted that this ordinance was limited to beer and wine, no hard liquor or shots would be allowed.

Mr. Jacobson reviewed the alcohol by volume chart – men vs. women. He stated that if a woman under 120 pounds has two drinks in an hour they would be over the legal limit. He stated that one drink an hour for females would bring them below the DUI level. He felt that in lieu of allowing a certain number of drinks they might also want to limit the number of drinks offered per hour.

Ms. Kuchynka stated that Wheaton has the best example limiting the total drinks to three per customer, per day, but also limits drinks to one per hour. Chairman Strelau stated that they also stipulated the drink size. Ms. Kuchynka noted that the ounce limits of beer and wine differ. She stated the ordinance could read 1, 12-ounce beer or 1, 6-ounce wine, per hour, no more than ____, should the Commission wish to recommend specifics.

Mr. Meta stated that he did not think that alcohol should be a profit center, but included in the cost of services. He stated that with the Elmhurst license, anyone can drink. Ms. Didier stated that the Downers Grove ordinance would require a service to be done in order to get a drink, so guests of customers who sit and wait cannot get a drink.

Chairman Strelau asked if controlled buys have been considered. Ms. Kuchynka replied yes. She stated that when she calculates the cost center analysis, the cost of the service would need to be incorporated into the license fee. She stated that licensees pay for their controlled buy. She noted that the Park District, for example, pays for two controlled buys, one at the club house and one on the greens.

Ms. Didier asked about the number of licenses. Mr. Meta stated that can be looked at, at any time. Ms. Kuchynka noted if we reach the limit of any classification and someone requests the number be increased, she has, in the past, requested that the Council amend the ordinance to amend the number of licenses.

Ms. Kuchynka stated that they typically limit the specialty license as shown in the draft ordinance. Chairman Strelau noted that some licenses are for very specific entities. Ms. Kuchynka stated that she has had a number of requests for salon licenses over the years, however, nobody wanted to proceed with paying the one time license creation fee and having the license creation process started. Ms. Kuchynka stated that Ms. Renchin paid the license creation administrative fee which covers staff time, attorney review, presentation to the Council and public hearing costs.

Mr. Meta asked staff what demand may be for a salon license. Ms. Kuchynka replied it would depend on whether or not they have the option to charge and the costs of the license, she would guess five to ten. She noted that some may or may not qualify with the guidelines or care to meet limits set forth. She stated that Rocco & Rocco may not qualify as she thinks they offer massages. She stated that anyone offering massages will be eliminated.

Mr. Jacobson stated that holding a license is costly. Ms. Kuchynka replied yes. She stated that she included other community's fees in the survey. Mr. Jacobson noted the other costs involved such as dram shop insurance.

Ms. Kuchynka asked Ms. Renchin if all employees in the salon will be over 21. Ms. Renchin replied yes. Ms. Kuchynka noted that servers will need to be over 21.

Ms. Didier asked Ms. Renchin if she was open and how business was doing. Ms. Renchin replied that she opened two weeks ago. She stated the weekends have been busy, but slow during the week. She was hopeful that things will pick up in the next month. Chairman Strelau noted that there were a lot of opportunities such as homecoming, weddings, etc. that will be coming up.

Ms. Kuchynka asked Ms. Renchin to give the Commission a price point of her services. Ms. Renchin replied that their Signature Blow out is \$40, with a braid its \$48, an up do is \$65 and hair treatments are \$20.

Mr. Meta asked Ms. Renchin if she was a franchisee. Ms. Renchin replied no. Attorney Carroll stated that 10 Friends is a franchisee, Dry Bar is not. Ms. Kuchynka asked if either charges. Ms. Renchin replied Dry Bar charges each drink but was unsure about 10 Friends.

Chairman Strelau asked if the Commission should determine if an individual is charged at the end of a treatment differently for having three drinks than another patron who has a similar treatment that does not

get charged. She stated that Rybells is different than a regular salon. She added that the haircut, dye job, etc. can all vary in price and would not know if someone was paying more or less for liquor. She wondered if checking that licensees were properly charging was enforceable.

Ms. Renchin stated that Level 1 Stylists cost less than Level 2 Stylists, and noted that they all have different prices, although each does the same service.

Mr. Meta stated that is why he would rather have the cost of the liquor included in a package deal and not charged separately in order to motivate a licensee to not give away more drinks. He stated that it would be a cost of doing business and can adjust prices accordingly.

Mr. Johnson stated that Ms. Renchin by doing so, is not charging by choice, and including them with a service.

Mr. Meta stated that he has been in barber shops where there has been a keg and guys just tap right into it. He stated that he would not want liquor to serve as a profit center or for people to just hang out and drink cheap beers and get a haircut.

Ms. Kuchynka stated that the salon class would be one of the very few licenses that allow beer and wine without food service. She stated that food service has been a component in licensing forever. Ms. Kuchynka stated that Glenview had a food service requirement. She noted that, in a hair cutting environment, may not be very appealing.

Mr. Johnson asked staff if they wanted direction on the potential number of licenses. Ms. Didier replied yes. Ms. Kuchynka replied it may be helpful but noted that determining a limit would be at the discretion of the Village Council.

Ms. Kuchynka asked the Commission if they would rather licensees have the option to charge or not as it seems to be a sticking point. Mr. Jacobson replied that there are pros and cons to each side. He added if they charged, people may be less likely to drink. She stated that the ordinance can be written that either or is fine, however, at application they would have to explain the business model and explain how they planned to offer the alcohol either included in the price of a service or a drink menu with pricing.

Ms. Didier stated that regardless of charging or not, limiting it to one an hour while getting a service, that in and of itself would limit.

Mr. Jacobson asked Ms. Renchin if one drink per hour would work for her business model. Ms. Renchin replied yes. She stated that ten of the minutes a customer's head is in a shampoo bowl and noted that one drink was what they were seeking. She stated that the salon is 900 square feet and others will not be hanging out there.

Ms. Kuchynka asked that although they are offering a drink and a customer is not a drinker, would they offer any other options a customer would have. Ms. Renchin replied that they currently offer water and coffee. Ms. Kuchynka wanted to be sure that people were not pressured into taking a drink if they did not want one.

Mr. Jacobson stated perhaps they can offer two packages, one that has a drink, the other not and change the price point. Ms. Renchin stated that was a thought as well by offering different packages.

Mr. Jacobson recommended that the Village limit the licenses to four. Ms. Kuchynka noted that depending on demand, the Village Council can amend the ordinance to increase the amount of licenses to accommodate those on a waiting list. Mr. Rauch recommended five. Chairman Strelau stated five.

Ms. Kuchynka noted that the license can be costly if establishments give away liquor. She stated that an applicant will need to pay an application fee, annual fee (TBD), dram shop insurance and a State license. She stated that it is not cheap to offer it but it may keep a lot of salons from obtaining a license. Ms. Kuchynka noted that Rybells may not get a lot of response for it as well and may see that the cost overruns the benefit.

Chairman Strelau asked whether it's complimentary or pay per drink. Ms. Kuchynka replied that the ordinance is written to allow either.

Ms. Kuchynka stated that licensees cannot offer or state "free" or "complimentary" in any advertisement pursuant to State law. She stated that it may be "included" with salon services.

Chairman Strelau felt that the Commission should pick one way or the other and not leave it either. Mr. Johnson asked Chairman Strelau for her reasoning. Chairman Strelau asked what would happen if a licensee came before the Commission and the drink was to be part of a package, and then decided to change their business model. She understood that licensees need to notify Carol and get permission for changes. Chairman Strelau noted that a licensee may decide that the package was not making the money they hoped and start charging. She wondered how staff would notice this change. Ms. Didier stated that it did not matter, so long as they were charging.

Chairman Strelau stated that ordinances are normally written with a specific intent. Ms. Kuchynka stated that this would be the only license type that has the option to "include" liquor as part of a package rather than a by-the-drink cost.

Mr. Jacobson stated that they will always be charging somewhat but may lose money by including it in a package. He changed his opinion in that by charging and not charging, there are people that do not want a drink, nor pay for it.

Mr. Rausch stated that it's a part of marketing and stated that if they have two packages they are pricing a drink into Package A and for those that do not want a drink if they choose Package B.

Chairman Strelau stated the Blow Dry Bar is a bit different from the rest of the salons where customers can go in for a cut, color and style. She wondered if packages for each one of those include a drink or not. She felt it may be simpler that a customer can have one drink an hour at 12 oz. beer, 4 oz. wine and the Commission should consider the wide realm of who is going to be using the license.

Mr. Rauch stated that there is no argument on the limitation of the quantity, but how do they want to go about pricing. He stated should it be included in a package or a-la-carte. He believes that there is some payment either way.

Ms. Didier understood Chairman Strelau's concern of a licensee offering a packing and then deciding to charge. She wondered if the Village cares if they do or not.

Chairman Strelau asked staff what they need from the Commission. Ms. Didier asked if all were in favor of the concept in general. All replied yes.

Ms. Kuchynka noted that it now comes down to the semantics. Mr. Rausch stated that an applicant can pick either charging per drink or offer a package and leave it to their discretion.

Ms. Kuchynka stated that per the draft ordinance sale or service of liquor would be allowed. Mr. Jacobson noted that if a customer calls to book and does not mention a drink, does not mean they cannot

order it later at the time of service and pay for it or pay for a different package that includes it. Ms. Didier also noted that the establishment would not ask at booking but only ask if they want to add or have a drink at the time of the service.

Mr. Jacobson stated that if licensees increase their liquor prices, they do not need to notify the Village.

Ms. Renchin noted that at the time of service, some that order a blow out might want to add a braid last minute and/or want a treatment. She stated that options can change the day of even though they can sign up for just the service on line.

Mr. Johnson stated that the Commission seems to be in agreement for creation of a salon license. He stated that they talked about numbers, limiting it to 4-5. The group concurred on five.

Mr. Johnson stated that the discussion may change Ms. Renchin's business model, however, the Commission wanted to think it through. He stated that the fundamental steps have been made to move this forward. Ms. Kuchynka stated that the Council will have their input and vote on a draft. She stated that she can provide the Council with the draft allowing either complimentary or sale provisions, give them the minutes and they can discuss additional provisions at the first reading. She stated that she would revise the ordinance to include limits. Mr. Meta noted to also add one drink per hour.

Ms. Kuchynka stated that 1, 12-oz. beer or 1, 6-oz. service of wine, per hour and limit the total amount to three drinks, per day, per person would be added to the draft. She asked if all were in agreement.

Chairman Strelau asked the Commission if they were in agreement to charge or no charge. Mr. Rauch stated that it should be left to the business owner. He felt that leaving it open they would have options. Mr. Jacobson stated that they should run the business as they want. Ms. Kuchynka stated that if the business model does change after they appear before the Commission, they can simply inform the Village of the change. Mr. Rauch stated that as the amount of drinks are limited, it is not going to become a profit center for the salons. He noted it may be a break even or a way to get someone in the door.

Chairman Strelau asked staff if they would need a motion. Ms. Kuchynka replied yes. Ms. Didier stated that a motion to recommend that the ordinance, as amended, be presented to the Village Council for consideration.

MR. RAUCH MOVED TO RECOMMENDED THAT THE VILLAGE COUNCIL MOVE FORWARD WITH THE CRAFTING OF A SALON LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Rausch, Mr. Jacobson, Mr. Johnson, Mr. Meta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Ms. Renchin and Attorney Carroll thanked the Commission. Chairman Strelau wished them luck.



www.downers.us

November 18, 2020

COMMUNITY RESPONSE

CENTER

630.434.CALL (2255)

The Honorable Robert T. Barnett
Mayor and Liquor Commissioner

Re: Proposed Ordinance - Gas Station Liquor License Creation

CIVIC CENTER

801 Burlington Avenue

Downers Grove

Illinois 60515-4782

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

Dear Mayor Barnett:

On Thursday, November 5, 2020 the Liquor Commission considered a draft ordinance concerning an amendment to liquor certain license classifications. The following finding was made:

MR. RAUSCH MOVED TO CREATE A GAS STATION LIQUOR LICENSE CATEGORY WITH CONSISTENT FLOOR AREA RESTRICTIONS FOR ALCOHOL SELLING SPACE WHICH EXISTS IN THE CURRENT CODE. MR. JOHNSON SECONDED.

FIRE DEPARTMENT

ADMINISTRATION

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

VOTE:

Aye: Mr. Rausch, Mr. Johnson, Mr. Jacobson, Mr. Krusenoski, Mr. Meta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

Motion carried.

Further discussion of this subject can be found in the November 5, 2020 minutes of the Liquor Commission (attached).

Very truly yours,

Alice Strelau, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

PUBLIC WORKS

DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4046

630.434.5460

FAX 630.434.5495

\\wp\liquor\code\Gasoline\Liq-Com-Rec

DRAFT**Sale of Liquor at Gas Stations**

Ms. Kuchynka asked that the Commission discuss the issuance of liquor licenses to gas stations. She stated that in the past the Commission voted to restrict the issuance of a license to any premises which included the sale of gasoline. She recalled the restriction being put into place to curb potential problems with drinking and driving. She stated that she receives requests frequently for this type of license with the argument being that a person can drive to a liquor store just as they would a gas station to get liquor. Ms. Kuchynka asked for feedback.

Mr. Jacobson asked if there was a conflict of interest to vote on this subject as he represents a client who owns a gas station that sells liquor in unincorporated DuPage County. Ms. Didier replied no.

Ms. Kuchynka stated that the Amoco on Maple & Belmont is in an unincorporated pocket of DuPage County, which is bordered by Downers Grove. She noted that she frequently gets questioned about this location, as it is licensed by the County and many think it is in the corporate boundaries of Downers Grove. Ms. Kuchynka referred to her survey results. She stated that most communities in the surrounding area prohibit the sale of liquor at gas stations, and two allowing only to do so as the gas stations were annexed. She stated that Wheaton allows it, but prohibit the sale of singles and limits alcohol to 2% of their floor space for stock.

The group noted a patron's ability to stop for liquor, whether at a gas station or at a grocery, convenience or liquor store and wondered what difference it made where they obtained it, so long as they were not drinking while driving.

The group discussed allowing sales under the provisions of the P-1 and P-2 license class, but limit the amount of floor space devoted to liquor, keeping in line with provisions in the existing Code, the primary business being a gas station with convenience store.

There was no concern with restricting the sale of "singles"; however, the square footage devoted to beer/wine or full liquor should be consistent with those limits placed in the convenience store and grocery store definitions which is 25%. Ms. Kuchynka stated that square foot limitations for establishments were contained in the definition section of the Liquor Code.

MR. RAUSCH MOVED TO CREATE A GAS STATION LIQUOR LICENSE CATEGORY WITH CONSISTENT FLOOR AREA RESTRICTIONS FOR ALCOHOL SELLING SPACE WHICH EXISTS IN THE CURRENT CODE. MR. JOHNSON SECONDED.

VOTE:

Aye: Mr. Rausch, Mr. Johnson, Mr. Jacobson, Mr. Krusenoski, Mr. Meta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Salon & Gas Survey - 2021

Municipality	Salon Specific License	Salon Ounce Limits	B/W or Full Alcohol	Gas Station Liquor License
Downers Grove	Y	Y	(B/W Only)	N
Aurora 256-3071	Y	Y	(Full Alcohol)	Y (B/W Only)
Barrington 847/304-3400	Y	Y 2, 12 oz beer 2, 4 oz wine	(B/W Only)	N
Bolingbrook 226-8411 300-4207 ©	N	X	X	N
Buffalo Grove 847/459-2500	Y	Y 3, 12 oz beer 3, 5 oz wine	(B/W Only)	Y (B/W Only) 10% of sf of retail space
Darien 852-5000 x 8110	N	X	X	N
Elmhurst 530-3015	N Allowed pursuant to Tavern License	N	(Full Alcohol)	Y (Full Alcohol)
Glen Ellyn				

Salon & Gas Survey - 2021

Municipality	Salon Specific License	Salon Ounce Limits	B/W or Full Alcohol	Gas Station Liquor License
547-5202 469-5000	Y	N	(Full Alcohol)	Y (Full Alcohol)
Glenview 847/724-1700	Y	N	(Full Alcohol)	N
Hinsdale 6/789-7000	Y	Y 12 oz beer 6 oz wine	(B/W Only)	Y (Full Alcohol)
Lisle 271-4162	Y	Y 6 oz wine 12 oz beer	(B/W Only)	N
Lombard 620-5913	Y	N	(B/W Only)	N
Naperville 305-5300	Y	Y 2, 12 oz beer 2, 6 oz wine	(B/W Only)	N
Oak Brook 368-5000	Y	N	(Full Alcohol)	Y (Full Alcohol)
Schaumburg 847/923-4402	Y	Y 3, 12 beer 3, 5 oz wine 1 bottle BYO	(B/W Only)	N
Westmont				

Salon & Gas Survey - 2021

Municipality	Salon Specific License	Salon Ounce Limits	B/W or Full Alcohol	Gas Station Liquor License
981-6354	N	X	X	N
Wheaton				
260-2012	Y	Y	(B/W Only)	Y (Full Alcohol) (2% sq ft retail space) No singles
Willowbrook				
6/323-8215	Y	Y	(B/W Only)	Y (Full Alcohol) 10% of 3,000 sq ft of retail space No singles
Woodridge				
852-7000	N	X	X	N